

Appln No. 10/826,590

Amdt date April 7, 2005

Reply to Office action of December 7, 2004

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Original) An improved marine vessel comprising:
  - a hull, the hull including a transom and having a predetermined waterline intersecting the hull and transom;
  - an engine disposed within the hull;
  - an engine driveshaft driven by the engine;
  - a lower gear set;
  - an interior upright shaft driven by the engine driveshaft through the lower gear set;
  - an upper gear set;
  - an upper driveshaft passing through the transom and driven by the interior upright shaft through the upper gear set; and
  - a stern drive attached to the transom, the stern drive comprising:
    - a vertical shaft driven by the upper driveshaft;
    - a propeller shaft driven by the vertical shaft; and
    - a housing attached to the transom and enclosing the vertical shaft;

wherein the propeller shaft exits the housing of the stern drive; and

wherein the upper driveshaft passes through the transom and enters the stern drive above the predetermined waterline.
2. (Original) The vessel of Claim 1, wherein the engine driveshaft and the interior upright shaft form an angle of approximately ninety degrees; and

Appln No. 10/826,590

Amdt date April 7, 2005

Reply to Office action of December 7, 2004

wherein the upper driveshaft and the interior upright shaft form an angle of approximately ninety degrees.

3. (Original) The vessel of Claim 1, wherein the lower gear set includes at least one beveled gear; and

wherein the upper gear set includes at least one beveled gear.

4. (Original) The vessel of Claim 1, wherein the stern drive includes a mounting plate attached to the transom of the vessel above the predetermined waterline.

5. (Original) The vessel of Claim 1, further comprising an actuator for trimming the attitude of the stern drive disposed between the housing of the stern drive and the transom of the vessel.

6. (Original) The vessel of Claim 5, wherein the stern drive further comprises a cantilevered member attached to the housing; and

wherein the actuator is disposed between the cantilevered member and the transom of the vessel.

7. (Original) The vessel of Claim 5, wherein the actuator repositions the housing of the stern drive between an operative position below the predetermined waterline and a maintenance position wherein substantially all of the housing of the stern drive is lifted above the predetermined waterline.

8. (Original) The vessel of Claim 5, wherein the actuator repositions the housing of the stern drive between a

**Appln No. 10/826,590**

**Amdt date April 7, 2005**

**Reply to Office action of December 7, 2004**

substantially vertical position and a substantially horizontal position.

9. (Original) The vessel of Claim 8, wherein the propeller shaft of the stern drive is brought above the predetermined waterline when the stern drive is in a substantially horizontal position.

10. (Original) The vessel of Claim 8, wherein the stern drive is brought completely above the predetermined waterline when in a substantially horizontal position.

11. (Original) The vessel of Claim 1, wherein the vertical shaft is driven by the upper driveshaft through a first set of gears and a universal joint located above the predetermined waterline.

12. (Cancelled)

13. (Original) The vessel of Claim 1, further comprising:

a cooling system connected to the engine;

a water pump connected to the cooling system; and

a water intake connected to the water pump;

wherein the water intake is spaced apart from the stern drive.

14. (Original) The vessel of Claim 1, further comprising an exhaust system running from the engine to a terminal point on the transom of the vessel above the predetermined waterline.

**Appln No. 10/826,590**

**Amdt date April 7, 2005**

**Reply to Office action of December 7, 2004**

15. (Original) The vessel of Claim 14, wherein the exhaust system includes a muffler.

16. - 31. (Cancelled)